

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

Case No. 5472
Date Filed 1/18/05
Hearing Date _____
Receipt _____
Fee \$450

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☒ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5472 MAP 65 TYPE Variance

ELECTION DISTRICT 01 LOCATION 1924 Southridge Dr. Edgewood

BY Wayne Leach

Appealed because a variance pursuant to Sec. 267-26C (6) of the Harford County Code
to allow a shed to be located within a recorded easement in the R3 district requires
approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Wayne Leach Phone Number 410 676 5052
Address 1924 South Ridge Dr Edgewood MD 21040
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1934 South Ridge Dr
Edgewood MD 21040
Subdivision ~~1934~~ South Ridge ~~1934~~ Lot Number 18
Acreage/Lot Size 0.225 Election District 01 Zoning R-3
Tax Map No. 65 Grid No. 4-F Parcel 997 Water/Sewer: Private _____ Public X
List ALL structures on property and current use: House and shed

Estimated time required to present case: 15 min
If this Appeal is in reference to a Building Permit, state number none
Would approval of this petition violate the covenants and restrictions for your property? None
Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X
If so, what is the Critical Area Land Use designations: _____
Is this request the result of a zoning enforcement investigation? Yes X No _____
Is this request within one (1) mile of any incorporated town limits? Yes _____ No X

Request

to keep the shed constructed and
where it is currently located.
IN drainage and utility Easement

Justification

With 6 children and two adults living
in this house, there is a limited amount
space in the house and in order to
keep the property clean and safe, we
need a large amount of storage

Do to topography OF property shed is placed in best location
If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



Department of Planning and Zoning

Zoning Enforcement Section

J. Steven Kaii-Ziegler, Director

HARFORD COUNTY GOVERNMENT

October 26, 2004

Mr. Wayne Leach
1924 Southridge Drive
Edgewood, Maryland 21040-3137

Dear Mr. Leach:

Our Zoning Inspector visited your property recently concerning alleged violations of the Harford County Zoning Code. The Inspector was unable to find anyone at home during the inspection, therefore, we are taking this opportunity to contact you by letter. Our records reflect that the subject property contains approximately .22 acre and is zoned R3 Urban Residential.

The Inspector reported that a shed and an above ground pool have been placed in the rear yard of your property. We have researched our records and are unable to locate a permit for the shed and pool. Sections 267-8 and 267-26B of the County Zoning Code requires that an approved permit be obtained prior to constructing or locating any accessory structure or use, and any additions on residential lots, including decks, patios, fences, pools, sheds, etc. In addition, there are specific building setbacks which must be met. Pools must be located at least ten (10) feet from side and rear lot lines and at least six (6) feet from any other structure. Residential detached accessory structures (sheds) must be located at least three (3) feet from the side and rear lot lines. No accessory structures, except fences, may be located within a recorded easement. On lots with recorded easements, the setback is always equal to the width of the easement. Your property has a 10 foot easement along the rear of your property. The Inspector reported the shed appears to be located in the easement. Therefore, a permit cannot be approved for the shed in the current location. The shed must be relocated outside of the easement. Accessory structures may not exceed the height of the dwelling; nor can they exceed in size 50% of the habitable space in the dwelling.

You may make application for the needed permits in this Department, 220 S. Main Street, Bel Air, on the second floor of the Harford County Administrative Offices Building. It is important that you phone the Permits Office at 410-638-3103 and speak to a **Planning Assistant**, to learn what information you must bring with you. When you apply for the permit, you will be required to submit an accurate site plan of your property which shows the location of all existing structures, their dimensions, and their distances to the property lines. In addition to the permit fees, an investigation fee of \$100 is assessed in those cases where construction or placement of structures is commenced prior to obtaining the necessary permits. In the event you will not be making application for the permit in person, you must send a letter authorizing your representative to apply for the permit on your behalf.

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS

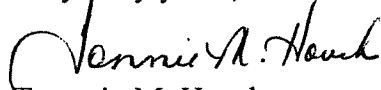
220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

Mr. Wayne Leach
October 26, 2004
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We would appreciate your attending to this matter within twenty (20) calendar days from the date of this letter, to avoid the issuance of a formal Notice of Violation. In the meantime, if you have any questions or wish to discuss the matter further, please phone the undersigned at 410-638-3103. Thank you for your anticipated cooperation.

Very truly yours,



Fommie M. Houck
Chief, Zoning Enforcement Section

TMH/mmp

ID MEMO

1924 SOUTHRIDGE DRIVE - SHED IN DRAINAGE & UTILITY EASEMENT

TO TESS CONZEMAN
PLANNING & ZONING

DATE 11-23-04
SUBJECT D & U EASEMENT VARIANCE REQUEST

AFTER A SITE VISIT, IT WAS DETERMINED THAT THE LOCATION OF THE SHED DOES NOT APPEAR TO CONTRIBUTE TO ANY DRAINAGE PROBLEMS. THEREFORE, WE DO NOT OBJECT TO PERMITTING THE SHED TO REMAIN IN THE DRAINAGE AND UTILITY EASEMENT, SUBJECT TO THE FOLLOWING CONDITIONS:

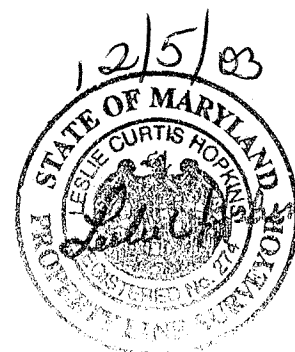
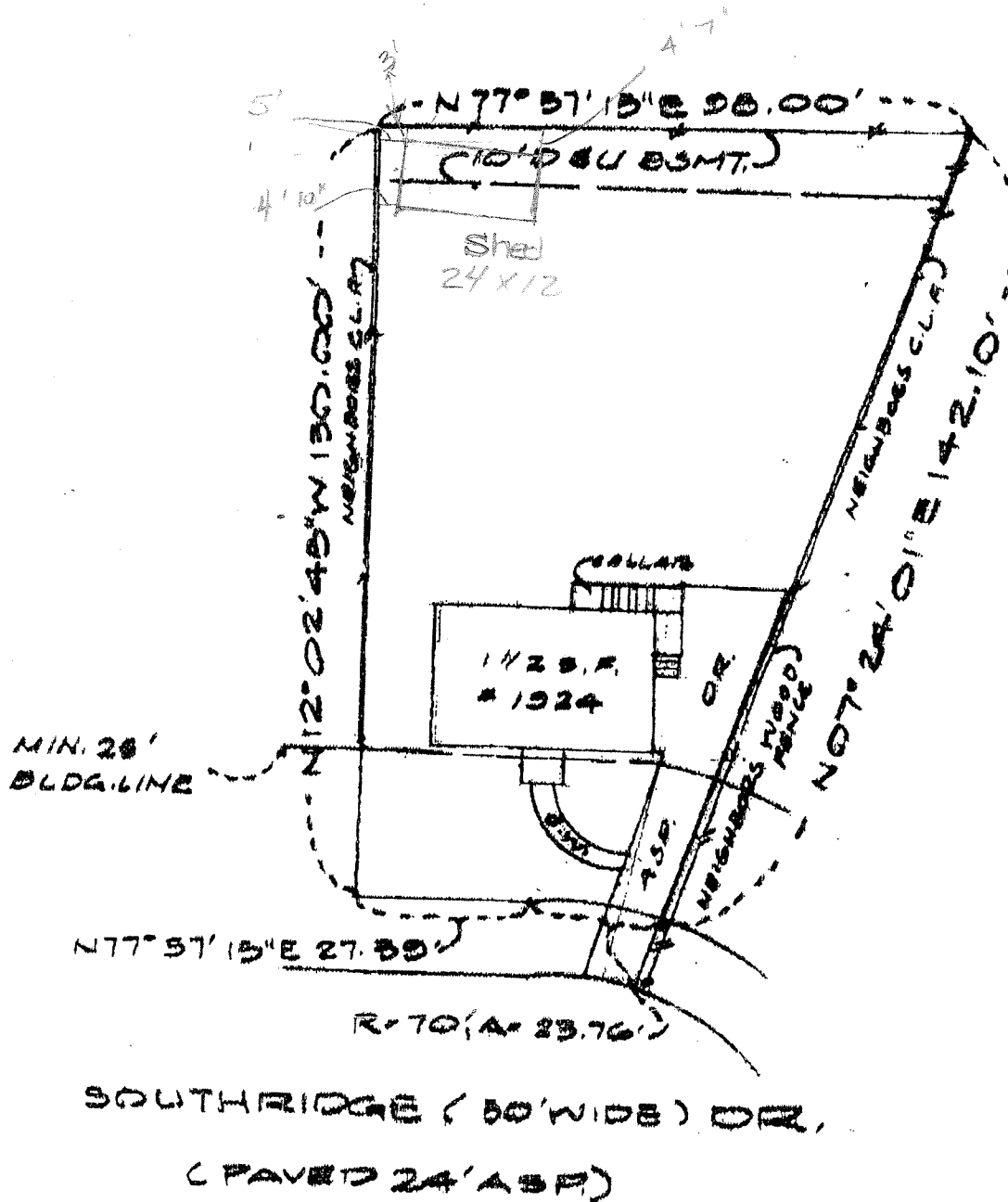
- THE SHED MUST NOT BE PLACED ON A PERMANENT FOUNDATION
- IF IT IS DETERMINED THAT THE LOCATION OF THE SHED CONTRIBUTES TO ANY DRAINAGE PROBLEMS IN THE FUTURE, IT MUST BE MOVED OUT OF THE EASEMENT AT THE OWNER'S EXPENSE.

CHERYL DANGAN, DPA-ENGINEER

03-5344 BAS

HOPKINS ENGINEERING

3410 WALNUT ROAD • ABERDEEN, MARYLAND 21001
PHONE 410-879-5354 • FAX 410-893-5185



JAMES M. HARKINS

HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.

DIRECTOR OF ADMINISTRATION



J. STEVEN KALL-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

February 10, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5472

APPLICANT/OWNER: Wayne Leach
1924 South Ridge Drive, Edgewood, Maryland 21040

REPRESENTATIVE: Applicant

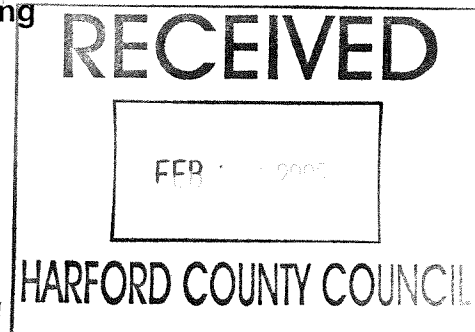
LOCATION: 1924 South Ridge Drive / South Ridge
Tax Map: 65 / Grid: 4F / Parcel: 997 / Lot: 18
Election District: First (1)

ACREAGE: 0.225

ZONING: R3/Urban Residential District

DATE FILED: January 18, 2005

HEARING DATE: March 16, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"To keep the shed constructed and where it is currently located. In drainage and utility easement."

Justification:

"With 6-children and two adults living in this house, there is a limited amount of space in the house and in order to keep the property clean and safe, we need a large amount of storage. Do to topography of property shed is placed in best location."

Preserving our values, protecting our future

STAFF REPORT

Board of Appeals Case Number 5472

Wayne Leach

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CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 267-26C(6) of the Harford County Code to allow a shed to be located within a recorded easement in the R3/Urban Residential District.

Section 267-26C(6) of the Harford County Code reads:

- (6) *No accessory use or structure, except fences, shall be located within any recorded easement area.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located in the southern end of the County and is part of the community of Edgewood. The property is in the development of Southridge located on the north side of Trimble Road, east of MD Route 24. The lot fronts on the north side of South Ridge Drive near the end of the cul-de-sac. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 1 and 2).

The subject property is located within the Development Envelope. The predominant land use designations are Low, Medium and High Intensities, and Industrial Employment. The Natural Features Map reflects Chesapeake Bay Critical Area, Habitats of Local Significance, Sensitive Species Project Review Areas and Stream Systems. The subject property is designated Medium Intensity, which is defined as

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 3 and 4).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. Residential uses range from single-family dwellings to townhouses, garden apartments and condominiums. Commercial uses are generally located along Route 755 and MD Route 40. Enclosed with the report is a copy of the aerial photograph (Attachment 5).

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Board of Appeals Case Number 5472

Wayne Leach

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The Southridge subdivision was recorded in 1978 (Attachment 6). The Applicant's property is located on the north side of Southridge Drive and is approximately 0.225 of an acre in size. The site backs up to Edgewood Elementary School property. The topography of the lot is level to gently sloping. The last 10 feet of the property slopes sharply down. Improvements consist of a 2-story dwelling, a blacktopped driveway and parking pad located to the right side of the lot, and a shed situated in the left rear corner of the lot. Part of the shed is located within a 10-foot drainage and utility easement. There is a chain link fence around the rear 3-sides of the property, and children's play equipment in different areas of the rear yard. A topographic map, site photographs and an enlargement of the aerial photograph are enclosed (Attachments 7, 8 and 9).

Zoning:

The zoning classifications in the area are consistent with intent of the 2004 Master Plan as well as the existing land uses. Residential zoning in the area ranges from R2 to R4/Urban Residential Districts. Commercial zoning is mainly B2/Community Business District. The subject property is zoned R3/Urban Residential as shown on the enclosed copy of the Zoning Map (Attachment 10).

Zoning Enforcement:

The subject request is the result of a zoning enforcement investigation. The Department received a complaint on September 29, 2004, that a shed is being constructed on the site without a permit. The Department conducted an inspection on September 30, 2004. No one was home but the inspector reported that a shed was under construction and a swimming pool was being erected in the rear yard. No permits were found for the shed or pool. Further, it appeared that the shed was being located within a drainage and utility easement. The Department sent a letter to the Applicant on October 26, 2004, that discussed the findings of the Department's inspection. Copies from the Zoning Enforcement file are enclosed with the report for informational purposes (Attachment 11).

SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-26C(6) of the Harford County Code to allow a shed to be located within a recorded easement in the R3/Urban Residential District.

Section 267-26C(6):

- (6) *No accessory use or structure, except fences, shall be located within any recorded easement area.*

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty

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Wayne Leach

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and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Applicant's justification is that they have 6 children and 2 adults living on the subject property and there is limited space for storage in the existing dwelling. They also state that due to the topography the shed is placed in the best location.

The Department of Public Works reviewed this request. In a memo dated November 23, 2004 they state that after a site visit it was determined that the location of the shed does not appear to contribute to any drainage problems. Therefore, they do not object to permitting the shed to remain in the drainage and utility easement, subject to the condition: 1) The shed must not be placed on a permanent foundation. 2) If it is determined that the location of the shed contributes to any drainage problems in the future, it must be moved out of the easement at the owners expense (Attachment 12).

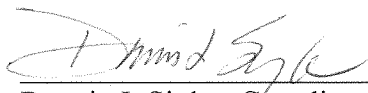
The Applicant has submitted letters from adjoining neighbors stating that they do not object to the requested variance (Attachments 13, 14 and 15).

While the Department understands the applicants need for additional storage area, there does not appear to be sufficient justification for the requested variance. The lot is not unique compared to other lots in the neighborhood. The topography is mainly level, except in the area of the easement. The shed is not on a permanent foundation and it appears that it can be relocated.

The Zoning Code states that no variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by the literal enforcement of the Code. Other property owners have located their sheds outside of the easement and it appears that the Applicant has the ability to relocate the shed outside of the easement on this lot.

RECOMMENDATION and or SUGGESTED CONDITIONS:

Therefore, the Department must recommend that the requested variance be denied.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf